

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE:	:	No.: 5:20-bk-02401 RNO
	:	
James Flowers a/k/a James E.	:	
Flowers,	:	
Debtor	:	Chapter 7
	:	
Community Loan Servicing, LLC	:	
f/k/a Bayview Loan Servicing LLC,	:	
	:	
Movant,	:	
Vs.	:	
	:	
James Flowers, a/k/a James E.	:	
Flowers debtor, and	:	
	:	
Robert P. Shiels, Jr. Esq., Trustee	:	

**DEBTOR'S RESPONSE IN OPPOSITION TO MOTION FOR RELIEF  
FROM AUTOMATIC STAY OF COMMUNITY LOAN SERVICING LLC  
PENNSYLVANIA**

The Respondent/Debtor, James Flowers, a/k/a James E. Flowers, by and through his attorney Joseph M. Blazosek, Esquire, hereby opposes Motions for Relief from Automatic Stay and in support thereof sets forth the following:

1. Admitted.
2. Admitted.
3. Admitted.



4. Denied as stated, it is admitted that the Debtor executed a mortgage, however, after reasonable investigation is without knowledge or information, to form a belief as to the truth or falsity of the averment and proof thereof is demanded.

5. Denied as stated, it is admitted that Debtor's Bankruptcy filing has resulted in an imposition of a stay upon any debt claimed to be owed to Movant. However as to an averment for nonpayment said allegation is denied.

6. Denied as stated, on the contrary, Debtor has made at least one payment in the interval cited by Movant and is prepared to make further, however, Debtor has not been afforded information as to who to make the payments or to what address the payments should be directed, and therefore it is Movant's failure to properly communicate its claim that it is owed payment, rather than Debtor's failure to pay which may have created an arrearage.

7. Denied as stated, the current mortgage obligation is disputed and proof thereof at time of trial is demanded.

8. Denied as stated, the total payoff of the mortgage is denied as stated and proof thereof at time of trial is demanded.

9. Admitted.

10. Admitted.

11. Denied as stated, on the contrary the amount claimed to be owed by Movant together with a second mortgage in favor of Capital Bank does not entitle



Movant to relief, and moreover, there is in fact equity in the property and Movant is adequately protected.

12. Denied as stated, said allegation represents a conclusion of law and said allegation does not require further answer beyond a denial.

**WHEREFORE**, Respondent/Debtor requests that the Motion for Relief from Stay be denied and dismissed.

**NEW MATTER**

13. By way of further answer, Debtor has the ability to file a Notice to Convert to Chapter 13 in the event that it is judicially determined that grounds exist for Relief of Stay and respectfully request that the option be made available pending further hearing of Court.

Respectfully submitted,

**/s/ Joseph M. Blazosek**

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